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Practitioner's Docket No. 791_024 CON

PATENT

NEW APPLICATION TRANSMITTAL

10/15/01
JC893 U.S. PTO

10/15/01
09/97/435
1100 U.S. PTO

Box Patent Application
Assistant Commissioner for Patents
Washington D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Assistant Commissioner for Patents, Washington D.C. 20231 on October 15, 2001 under "EXPRESS MAIL" mailing label number EL 91265-6425 US.
Janet M. Stevens
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Transmitted herewith for filing is the patent application of:

Inventor 1: Kenshin Kitoh
Address: Nagoya-city, Aichi-prefecture, JAPAN

Inventor 2: Hiroshi Nemoto
Address: Nagoya-city, Aichi-prefecture, JAPAN

For: LITHIUM SECONDARY BATTERY

1. Type of Application

This is a request for filing a Continuation Application under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.: 09/169,563,
Filed: October 9, 1998,
Title: LITHIUM SECONDARY BATTERY
Inventors: Kenshin Kitoh and Hiroshi Nemoto.

2. Papers Enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

- 18 Page(s) of Specification
- 2 Page(s) of Claims
- 1 Page(s) of Abstract
- 2 Sheets of Drawings (Figs. 1-3)
- ☒ Formal
- ☐ Informal

B. Other Papers Enclosed

- ☐ A Petition to Accept Photographs as Drawing(s) (37 C.F.R. 1.84(b))
☐ ___ Sheets of Formal Drawings (Figs.) (in triplicate)
☒ A Preliminary Amendment
☒ A copy of the Declaration and Power of Attorney from the prior application
☒ An Information Disclosure Statement
☒ PTO Form-1449

3. Relate Back**A. 35 U.S.C. 119(e)**

- ☐ Priority of provisional application Serial No. filed , is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

- ☒ Priority of said prior application 09/169,563, filed October 9, 1998 is hereby claimed under 35 U.S.C. §120.

C. 35 U.S.C. 119 Priority Claim for Prior Application

- ☒ Priority of foreign application(s) No. 9-280810, filed October 14, 1997 in Japan is hereby claimed under 35 U.S.C. §119.
☒ A certified copy of the above corresponding foreign application was filed in prior application Serial No. 09/169,563 on October 9, 1998.
☐ A certified copy of the above corresponding foreign application is filed herewith.

4. Declaration or Oath (including Power of Attorney)

The power of attorney in the prior application is to Stephen P. Burr, Reg. No. 32,970:

- a. ☐ The power appears in the New Power of Attorney form filed herewith.
b. ☒ A copy of the power in the prior application is enclosed.
c. ☐ Power filed in the previous case - no new power is necessary.

- d. ☒ Address all future communications to:

Stephen P. Burr
Burr & Brown
P.O. Box 7068
Syracuse, NY 13261-7068
Telephone: (315) 233-8300
Facsimile: (315) 233-8320

5. Inventorship Statement

The inventorship for all the claims in this application are:

☒ the same.

☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

6. Assignment

The prior application is assigned of record to NGK INSULATORS, LTD. The Assignment was filed on October 9, 1998, but the recorded Assignment has not yet been returned to the Applicants.

7. Small Entity Status

☐ Applicant claim small entity status. See 37 CFR § 1.27.

8. The filing fee has been calculated as shown below:

(1)	Filing Fee	
	<input checked="" type="checkbox"/> Original Patent Application	\$ <u>740.00</u>
	<small>(37 C.F.R. 1.16(a) --\$740.00; Small Entity--\$370.00)</small>	
(2)	Fees for Claims (5 Claims; 1 Indep.)	
	<input type="checkbox"/> each independent claim in excess of 3	\$ <u> .00</u>
	<small>(37 C.F.R. 1.16(b) --\$78.00; small entity--\$39.00)</small>	
	<input type="checkbox"/> each claim in excess of 20	\$ <u> .00</u>
	<small>(37 C.F.R. 1.16(c) --\$18.00; small entity--\$9.00)</small>	
	<input type="checkbox"/> multiple dependent claim(s)	\$ <u> .00</u>
	<small>(37 C.F.R. 1.16(d) --\$260.00 small entity--\$130.00)</small>	
(3)	<input type="checkbox"/> Assignment Fee	\$ <u> .00</u>
Total Fees Due		\$ 740.00

**9. Payment of Fees and Authorization to Charge Additional Fees
or Credit Overpayment**

☒ A check in the amount of 740.00 is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 CFR 1.16.

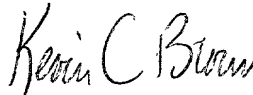
☒ Any patent application processing fees under 37 CFR 1.17.

10. Change of Correspondence Address Since Filing of Parent Application

(complete the following if applicable)

Since this filing is a ☒ continuation ☐ divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

October 15, 2001

Date

KCB:jms

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